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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/588,811

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Kristin Hoyne Gomes

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11/02/2011

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WASHINGTON, DC 20005-3934

EXAMINER

CHENCINSKI, SIEGFRIED E

ART UNIT

PAPER NUMBER

3695

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/588,811	<b>Applicant(s)</b> GOMES ET AL.	
	<b>Examiner</b> SIEGFRIED E. CHENCINSKI	<b>Art Unit</b> 3695	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2011.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/06/11</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 2, 2011 has been entered.

### ***Status Claims***

2. Claims 1-25 are pending.  
Claims 1-4, 6, 16, 24 and 25 have been amended.  
The rejections under 35 USC 101 have been withdrawn based on Applicant's amendments to the independent claims.

### ***Applicant Admitted Prior Art (AAPA)***

3. The following limitation is AAPA:

- a transaction involving a purchase of a travel ticket, the transaction variables including a passenger name on the travel ticket, a travel date, a routing description of the travel ticket, and an electronic ticket indicator.

Also, original dependent claims 2-15 and 17-23 are AAPA as stated on the record.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John.Deer & Co.*, 383 U.S. 1,148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**4. Claims 1-25 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Basch et al. (US Patent 6,658,393 B1, hereafter Basch) in view of Lawrence (US PreGrant Publication 2003/0225687 A1), Burrows (2002/0091554 A1), Sehr (US Patent 6,926,203 A1), Acebo et al. (US Patent 6,023,679) and Johnson et al. (US Patent 6,999,943 B1).

**Re. Claims 1, 2-4 & 6,** Basch discloses a method for predicting financial risk is disclosed. The method includes receiving data inputs on a first computing system. The data inputs includes historical data associated with at least a first account issued to an account owner, and the historical data includes historical transaction information for the first account. The method also includes generating a predictive model based on at least the historical data, receiving a current transaction authorization request associated with the first account on the first computing system, and generating a risk score by applying the predictive model to data associated with the current transaction authorization request. The current transaction authorization request is denied when the risk score indicates an unacceptable level of risk. In one embodiment, the data inputs further include performance data that is at least partially indicative of past fraudulent activities associated with the first account and at least one other account held by the account owner. (Abstract).

Basch discloses a method comprising:

- receiving, in an automated programmed electronic computer system for authorizing a transaction between a merchant and an account holder of a financial account from the merchant for use in real-time authorization, transaction variables for a transaction using the financial account, (Col. 3, ll. 53-64); and
- processing, by the computer system, the transaction variables through a fraud risk model to determine a risk factor for the transaction (Col. 11, ll. 47-65).

Bausch does not explicitly disclose transmitting, by the computer system, an approval of the transaction or referral of the transaction for further identification based upon the output of the fraud risk model. However, Basch discloses a risk score to an account issuer when said score is below a predetermined financial risk (Col. 25, ll. 18-34). This would have suggested to an ordinary practitioner that when fraud risk score is above said threshold that the transaction would be approved, since this is common sense.

Bausch does not explicitly disclose processing, by the computer system, the passenger name on the travel ticket, a travel date, a routing description of the travel ticket, an electronic ticket indicator and transaction variables through a fraud risk model to determine a probability of fraud for the transaction.

However, Burrows discloses processing an airline ticket, which is a travel ticket, including a passenger name, routing description (travel dates, departure and arrival locations and times) and pricing (fares charged) and "other data" ([0005]).

Sehr discloses an electronic airline ticket number and an airline ticket number (Col. 23, l. 3; Col. 27, l. 12).

Acebo discloses a passenger name record (PNR) and the airline alpha numeric code (Col. 10, l. 13).

Further, Lawrence discloses a travel related risk management clearinghouse associated with travel arrangements ([0007], [0008], and 0011]-ll. 1-3).

Finally, Johnson discloses computing the probability of fraud in transactions such as in the purchase of airline tickets (Col. 17, ll. 4-25; Col. 28, l. 38).

Therefore, the ordinary practitioner of the art at the time of Applicant's invention would have seen it as obvious to have combined the disclosures of Basch, Lawrence, Burrows, Sehr, Acebo, Johnson and the practitioner's own knowledge in order to

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produce a method for authorizing a financial transaction between a merchant and an account holder of a financial account, motivated by a desire to provide methods and systems which will utilize information to assist with risk management and due diligence related to travel arrangements (Lawrence, page 1, [0006]).

**Re. Claim 2,** Basch discloses approving the transaction in response to the risk factor is being within a range of acceptable values (Col. 8, ll. 13-19; Col. 9, ll. 42-46; Col. 8, l. 13 – Col. 9, l. 58 – authorization in Col. 9, l. 45 means approval when the risk factor is within acceptable limits in the risk model(s)).

**Re. Claim 3,** Basch discloses retrieving a purchasing history of the account holder; and approving the transaction based on the output of the fraud risk model and the purchasing history (Purchasing history – Col. 8, l. 15; approval process - Col. 8, ll. 13-19; Col. 9, ll. 42-46; Col. 8, l. 13 – Col. 9, l. 58 – authorization in Col. 9, l. 45 means approval when the risk factor is within acceptable limits in the risk model(s)).

**Re. Claim 4,** Basch discloses retrieving a status of the financial account; and approving the transaction based on the on the output of the fraud risk model and the status (Account Status – Col. 8, l. 13-19; fraud risk model – Col. 8, ll. 26, 61; approval process - Col. 8, ll. 13-19; Col. 9, ll. 42-46; Col. 8, l. 13 – Col. 9, l. 58 – authorization in Col. 9, l. 45 means approval when the risk factor is within acceptable limits in the risk model(s)).

**Re. Claim 6,** Basch discloses transmitting a request to contact a financial institution maintaining the financial account in response to the risk factor being within a range of unacceptable values (Col. 26, ll. 16-21)

**Re. Claim 16,** the disclosures of Basch, Lawrence, Burrows, Sehr, Acebo, Johnson are stated in the rejection of claim1 above. Basch discloses transmitting transaction data to a transaction processor transmitting, to a transaction processor, transaction variables for the transaction (Fig's 1-4; Col. 7, l. 16 - Col. 8, l. 51). Therefore, the ordinary practitioner of the art at the time of Applicant's invention would have seen it as obvious to have combined the disclosures of Basch, Lawrence, Burrows, Sehr, Acebo, Johnson and the practitioner's own knowledge in order to produce a method for authorizing a financial transaction between a merchant and an account holder of a financial account, motivated by a desire to provide methods and systems which will utilize information to

assist with risk management and due diligence related to travel arrangements (Lawrence, page 1, [0006]).

**Re. Claim 24**, the disclosures of Basch, Lawrence, Burrows, Sehr, Acebo, Johnson are stated in the rejection of claims 1 and 16 above. Basch discloses or determining, based on historical data, a risk value for transaction variables of transactions (Fig's 1-4; Col. 7, l. 16 - Col. 8, l. 51). Therefore, the ordinary practitioner of the art at the time of Applicant's invention would have seen it as obvious to have combined the disclosures of Basch, Lawrence, Burrows, Sehr, Acebo, Johnson and the practitioner's own knowledge in order to produce a method for authorizing a financial transaction between a merchant and an account holder of a financial account, motivated by a desire to provide methods and systems which will utilize information to assist with risk management and due diligence related to travel arrangements (Lawrence, page 1, [0006]).

**Re. Claim 25**, the disclosures of Basch, Lawrence, Burrows, Sehr, Acebo, Johnson are stated in the rejection of claims 1, 16 and 24 above. Basch discloses receiving, from the merchant for use in real-time authorization, transaction variables for a transaction involving a purchase (Fig's 1-4; Col. 7, l. 16 - Col. 8, l. 51). Therefore, the ordinary practitioner of the art at the time of Applicant's invention would have seen it as obvious to have combined the disclosures of Basch, Lawrence, AAPA and the practitioner's own knowledge in order to produce a method for authorizing a financial transaction between a merchant and an account holder of a financial account, motivated by a desire to provide methods and systems which will utilize information to assist with risk management and due diligence related to travel arrangements (Lawrence, page 1, [0006]).

**5. Claims 5, 7-15 and 17-23 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Basch in view of Lawrence, Burrows, Sehr, Acebo and Johnson as applied to claims 1, 16, 24 and 25 above, and further in view of AAPA.

**Re. dependent claims 5, 7-15 and 17-23**, Basch, Lawrence, Burrows, Sehr, Acebo, Johnson may explicitly disclose or suggest to an ordinary practitioner most if not all of

the limitations of claims 2-15 and 17-23. However, AAPA discloses the limitations of claims 5, 7-15 and 17-23.

Therefore, the ordinary practitioner of the art at the time of Applicant's invention would have seen it as obvious to have combined the disclosures of Basch, Lawrence, AAPA and the practitioner's own knowledge in order to produce a method for authorizing a financial transaction between a merchant and an account holder of a financial account, motivated by a desire to provide methods and systems which will utilize information to assist with risk management and due diligence related to travel arrangements (Lawrence, page 1, [0006]).

### **Amendments**

6. Applicant is advised to refer to the disclosure for support in making amendments in response to this office action.

### ***Response to Arguments***

7. Applicant's arguments May 2, 2011 regarding claims 1-25 have been fully considered but they are moot in view of the new grounds of rejection.

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of



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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Siegfried Chencinski whose telephone number is 571-272-6792. The Examiner can normally be reached Monday through Friday, 9am to 6pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Charles Kyle, can be reached on 571-272-6746.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). The following is a LINK to PRIVATE PAIR - <https://portal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>.

Any response to this action should be mailed to:

*Commissioner of Patents and Trademarks Washington D.C. 20231*

or faxed to:

(571)273-8300 [Official communications; including After Final communications labeled "Box AF"]

or

(571) 273-6792 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the address found on the above USPTO web site in Alexandria, VA.

/SIEGFRIED E. CHENCINSKI/

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October 24, 2011